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# COMMONWEALTH of VIRGINIA

W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210

Mailing Address: P.O. Box 1688, Abingdon, Virginia 24212-1688

Fax: (276) 676-4899

www.deq.virginia.gov

Robert G. Burnely  
Director

Michael D. Overstreet  
Regional Director  
(276) 676-4800

### STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO Blue Ridge Wood Products, Inc. Registration No. 11103

#### SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1 – 1301 and 10.1 – 1184, between the State Air Pollution Control Board and the Blue Ridge Wood Products, Inc. for the purpose of resolving certain violations of State Air Pollution Control Board Regulations.

#### SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a collegial body of the Commonwealth of Virginia described in § 10.1-1301 and § 10.1-1184 of the Code.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Regional Office" means the Southwest Regional Office of the Department.
6. "Order" means this document, also known as a Consent Order.
7. "Regulations" means the "State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution", which have been incorporated into Title 9 of the Virginia Administrative Code (VAC).
8. "Company" means Blue Ridge Wood Products, Inc., 1806 Falls Mills Road, Bluefield VA 24605.

**SECTION C: Findings of Facts and Conclusions of Law**

1. Blue Ridge Wood Products, Inc. owns and operates a laminated wood veneer manufacturing facility at 1806 Falls Mills Road, Bluefield, VA 24605.
2. Blue Ridge Wood Products, Inc. was issued a ownership and name change on September 17, 2003 to their Virginia Stationary Source Permit Number 11103, dated January 11, 2001.
3. On September 16, 2004, Department of Environmental Quality Inspector Don Hilt performed a walk through inspection and permit review of Blue Ridge Wood Products' Bluefield, Virginia plant, Registration #11103. Some problems and/or deficiencies were observed.
4. Permit Condition 4 states that the particulate emissions from the Superior HRT boiler shall be controlled by two Barron Flo-Tech multicyclones in series. It was observed that one of the two multicyclones had been closed off and not operating with the rotary valve removed for repair.
5. Permit Condition 6 lists equipment that shall be controlled by a cyclone in series with a fabric filter. It was observed that the baghouse had been disconnected and the emissions vented to an open cyclone.
6. Permit Condition 7 lists equipment that shall be controlled by a fabric filter baghouse. It was observed that the debarker/saw line was not controlled by a baghouse.
7. Permit Condition 10 limits the formaldehyde in the Urea-Formaldehyde Resin to 0.024% by weight. The Borden Seaco 9-1081 resin MSDS that Blue Ridge Wood Products gave Mr. Hilt listed a formaldehyde range of 0.01% to 0.10%.
8. Permit Condition 12 limits total wood/bark boiler fuel to 49,000 tons per year. Blue Ridge Wood Products stated they plan to use steam charts to back calculate the amount of boiler fuel burned. The boiler steam chart was not operating properly.
9. Permit Condition 23 states that the total trim board boiler fuel shall not exceed 30% by volume and the total adhesive contained in the trim waste shall not exceed 17.2 lbs/hr per boiler. The source did not have records to verify compliance with that limit.
10. Permit Condition 29 requires the source to develop and maintain a maintenance schedule and records; have written operating procedures for equipment and train operators with records including: names of trainees, date of training, and nature of training. The source did not have the required records.

11. **9 VAC 5-170-160.A – (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits.**
12. **On October 8, 2004, DEQ sent a Notice of Violation Letter (NOV No. 10-09-04) for a permit violation, by Certified Mail-Return Receipt Requested, to Blue Ridge Wood Products, Inc., informing the Company that DEQ had reason to believe that a violation of Air Pollution Law and Regulations 9 VAC 5-170-160.A had occurred.**
13. **On October 26, 2004 Blue Ridge Wood Products representatives Mr. William H. King, Mr. R.D. Finley and Mr. Brian Stevenson met with DEQ staff members Ms. Crystal Bazyk, Mr. Rob Feagins, Ms. Tracey Blalock and Mr. Don Hilt, at the DEQ-SWRO in Abingdon, Virginia. Mr. King delivered a letter which addressed each deficiency listed in the Notice of Violation. After a review of the submitted letter and discussions with Blue Ridge Wood Products it was determined that most of the deficiencies have been corrected or a plan submitted to correct the problems.**
14. **The Company stated in their letter dated 10-25-04, the following corrective actions had been taken:**

**Condition 4 - The rotary valve for the malfunctioning multicyclone for the Superior HRT boiler (only one of the two was not operating properly) was repaired and put back into operation on September 16, 2004.**

**Condition 6 - Their letter stated that they were working to get the jet blaster pump (jet pulse cleaning system) working. At the 10-26-04 meeting, Mr. King stated the jet blaster pump was repaired and the baghouse was now operating.**

**Condition 7 - Their letter stated that the debarker/saw line has never been controlled by a baghouse and since it was green rough cut material they planed to seek a permit modification to remove the baghouse requirement.**

**Condition 12 - The letter stated that repair and reinstallation of the boiler steam chart was completed 10-21-04.**

**Condition 23 - Due to a misunderstanding Mr. Hilt believed there was a problem. The letter stated that the Company did have the spreadsheets necessary to calculate the information required on trim board and adhesive in the trim board used for boiler fuel.**

**Condition 29 - Their letter stated that there was a partial misunderstanding, and that the procedures were posted but that the records had not been completed.**

**Also on 10-26-04 Blue Ridge also submitted copies of Operating Procedures and Maintenance Schedules. The letter stated that the required records and schedules are now being kept. DEQ has still not received training records.**

**SECTION D: Agreement and Order**

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1 – 1316 (C), orders Blue Ridge Wood Products, Inc. and Blue Ridge Wood Products, Inc. agrees to pay a civil charge of **\$10,500**. Payment shall be made by check payable to the “Treasurer of Virginia”, delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

For purposes of properly identifying its payment, Blue Ridge Wood Products, Inc. shall include with the check, a notification of its Registration Number, Federal Identification Number and the fact that payment is being made in accordance with the terms of this Order.

The \$10,500 civil charge shall be paid on the following schedule:

<b><u>DATE DUE</u></b>	<b><u>MINIMUM PAYMENT</u></b>
12/10/04	\$2,625 or balance due
03/01/05	\$2,625 or balance due
06/01/05	\$2,625 or balance due
09/01/05	\$2,625

2. Blue Ridge Wood Products agrees to limit resin throughput usage to 497 lbs/hr of urea-formaldehyde resin and Blue Ridge agrees to use a urea-formaldehyde resin with a free formaldehyde content that shall not exceed 0.19%. Blue Ridge agrees not to operate one Hurst wood waste boiler, the Superior natural gas boiler, and the second veneer dryer. The reduced usage and equipment limitations shall remain in effect until such time that a permit modification has been issued.
3. Blue Ridge Wood Products agrees to submit to DEQ a Form 7 Permit Modification Application and all requested information necessary to calculate emissions and process the permit modification application requesting either of the following : (1) a resin usage limit of 497 lbs/hr or (2) conduct a refined model and/or stack test and submit the information to determine if an additional throughput usage of urea-formaldehyde resin can be permitted.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Blue Ridge Wood Products, Inc. for good cause shown by the Company, or on its own motion after notice and opportunity to be heard.
2. Nothing herein shall be construed as altering, modifying, or amending any term or condition contained in the Company's Virginia Stationary Source Permit to Operate dated January 11, 2001.

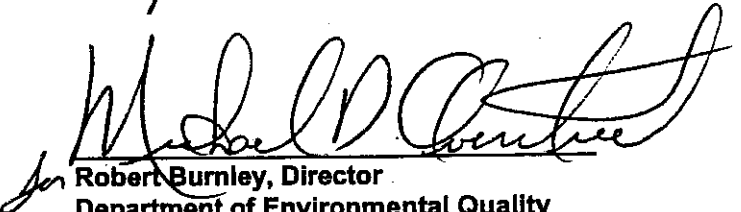
3. This Order addresses only those violations specifically identified herein. This Order shall not preclude the Board or Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of Blue Ridge Wood Products, Inc. as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authority, whether or not arising out of the same or similar facts.
4. For purposes of this Order and subsequent actions with respect to this order, Blue Ridge Wood Products, Inc. admits the jurisdictional allegations, factual findings, or conclusions of law contained herein.
5. Blue Ridge Wood Products, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
6. Blue Ridge Wood Products, Inc. declares it has received fair and due process under the Administrative Process Act, Code §§ 9-6.14:1 *et seq.*, and the State Air Pollution Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board or Director to enforce this Order.
7. Failure by Blue Ridge Wood Products, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
8. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
9. Blue Ridge Wood Products, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other act of God, war, strike, or such other occurrence. Blue Ridge Wood Products, Inc. must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Blue Ridge Wood Products, Inc. shall notify the Director, Southwest Regional Office of DEQ within 24 hours with a follow-up in writing within seven days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

**Failure to so notify the Director, Southwest Regional Office of DEQ within 24 hours of learning of any condition listed above, which the Company intend to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with a requirement of this Order.**


- 10. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.**
- 11. This Order shall become effective upon execution by both the Director or his designee and Blue Ridge Wood Products, Inc.. Notwithstanding the foregoing, the Company agrees to be bound by any compliance date, which precedes the effective date of this Order.**
- 12. This Order shall continue in effect until the Director or the Board determines Blue Ridge Wood Products, Inc. has met all the conditions of the order and the Company is thereafter notified of compliance by the Department. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Blue Ridge Wood Products, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.**

13. By its signature below, Blue Ridge Wood Products, Inc. voluntarily agrees to the issuance of this Order.

And it is ORDERED this day of 12/6, 2004

  
for Robert Burnley, Director  
Department of Environmental Quality

Blue Ridge Wood Products, Inc. voluntarily agrees to the issuance of this Order.

  
Mr. William H. King, President  
Blue Ridge Wood Products, Inc.

Date: Nov. 28, 2004

Commonwealth of Virginia

City/County of Blufffield/Yazoo

The foregoing document was signed and acknowledged before me this 28 day of  
November, 2004 by William H. King on behalf of Blue Ridge  
Wood Products, Inc.

Date: November 28, 04

  
Notary Public

My commission expires: October 31, 2008